



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 5, 1992

Mr. Robert Giddings
The University of Texas System
Office of General Counsel
201 West Seventh Street
Austin, Texas 78701-2981

OR92-188

Dear Mr. Giddings:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14202.

You have received two requests for information relating to an alleged rape which the University of Texas System Police is currently investigating. Specifically, the first requestor, who represented the alleged rape victim, seeks:

all pertinent information on the emergency student loan, and
any criterion for cancellation and withdrawal from enrollment.
Please also provide a copy of the UTSA security department's
investigation to date.

The second requestor, the alleged rape victim's new attorney, seeks "a true and complete copy of UTSA's entire file, including your security police's records, on the above referenced incident." Although you do not object to release of front page offense report information contained in the requested police investigation, you claim that the remainder of the report is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act. As you claim no exceptions regarding the other information requested, we presume it to be open. See Open Records Decision No. 363 (1983).

Previous open records decisions issued by this office resolve your request. Section 3(a)(3) excepts

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

Section 3(a)(3) applies only when litigation in a specific matter is pending or reasonably anticipated and only to information clearly relevant to that litigation. Open Records Decision No. 551 (1990). The Open Records Act was not intended to provide parties to litigation earlier or greater access to information than was already available to them through existing procedures. *Id.*

You have submitted to us documents demonstrating that litigation is pending. Having examined the documents submitted to us for review, we conclude that the requested information relates to the litigation and may be withheld from required public disclosure under section 3(a)(3) of the Open Records Act. Please note that this ruling applies only for the duration of the litigation and to the documents at issue here. As we resolve this matter under section 3(a)(3), we need not address the applicability of section 3(a)(8) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-188.

Yours very truly,

A handwritten signature in black ink, appearing to read "Steve Aragon", with a small circular mark at the end.

Steve Aragon
Assistant Attorney General
Opinion Committee

SA/GK/lmm

Ref.: ID# 14202

ID# 14312

ID# 15067

ID# 15418

cc: Ms. Anita J. Anderson
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